

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 AID-20 CEA-02 CIAE-00 COME-00 EB-11

EA-11 FRB-02 INR-10 IO-13 NEA-10 NSAE-00 RSC-01

OPIC-12 TRSE-00 CIEP-02 LAB-06 SIL-01 OMB-01 OIC-04

STR-08 SS-15 NSC-10 L-03 H-02 RSR-01 /171 W

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FM USMISSION OECD PARIS

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INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BERN

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY MADRID

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

AMEMBASSY VIENNA

AMEMBASSY WELLINGTON

USMISSION EC BRUSSELS UNN

USMISSION USNATO

USMISSION GENEVA

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E.O. 11652 N/A

TAGS: ETRD, EGEN, OECD, US PARTY (TCWO)

SUBJ: TRADE COMMITTEE WORKING/ON GOVERNMENT PROCUREMENT

REF: STATE 122557

PASS STR

1. SUMMAY. TCWP WAS SUCCESSFUL IN REMOVING SOME AREAS OF DISAGREEMENT IN DOCUMENT TO BE PRESENTED TO TRADE COMMITTEE. BASIC DIVERGENCES REMAIN AND NO FURTHER RESLUTION LIKELY AT TCWP. IMPROVED, BUT STILL HEAVILY BRACKETED, DRAFT CODE WILL BE PRESENTED TO TRADE COMMITTEE. END SUMMARY.

2. TCWP MEETING, JUNE 25-29, WAS SUCCESSFUL IN REMOVING SOME AREAS OF DISAGREEMENT IN TECHNIAL PORTION OF DRAFT INSTRUMENT ON GOVERNMENT PROCUREMENT (TFD/TD/720). SOME BRACKETS WERE ELIMINATED FROM PRESENT TEXT, LARGELY AT US INITIATIVE. HOWEVER, LITTLE PROGRESS MADE IN

BRIDGING MAJOR GAPS.

3. FOLLOWING WERE SIGNIFICANT DEVELOPMENTS ON SPECIFIC ISSUES:
PUBLICITY-PREVIOUS UNCONDITIONAL AGREEMENT OF FRENCH, DANES AND OTHERS FOR EX ANTE PUBLICITY WITHDRAWN ON BASIS THEY WOULD NOT AGREE AS LONG AS DOCUMENT CONTAINS PROVISIONS FOR PUBLIC OPENING OF BIDS AND FOR EX POST PUBLICITY.
JAPANESE POSITION-JAPANESE DELEGATION, FOR FIRST TIME, HAD EXTENSIVE COMMENTS FROM TOKYO ON DRAFT INSTRUMENT BUT WERE CLEARLY WARY OF SURFACING THEM. CORRIDOR CONVERSATION INDICATED THIS WAS BECAUSE JAPANESE OECD MISSION CLEARLY THINKS TOKYO IS TOO RESTRICTIVE ON THIS ISSUE AND NEED PERSUASION. AT LUNCH GIVEN BY KITAMURA FOR US DELEGATION HE URGED US TO USE ALL LIMITED OFFICIAL USE

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AVAILABLE OPPORTUNITIES IN BILATERAL CONVERSATIONS IMPRESS ON GOJ (NOTABLY FINANCE MINISTRY OFFICIALS) SERIOUSNESS OF US INTENTIONS RE GOVERNMENT PROCUREMENT AND CONSEQUENT NEED FOR MORE LIBERAL APPROACH BY JAPANESE.

4. ON MAJOR ISSURES, DISCUSSIONS REVEALED LITTLE CHANGE. POSITION ON DEROGATIONS REMAINS UNCHANGED, WITH LDC'S

ARGUING FOR GENERAL DEROGATION CLAUSE. DISCUSSIONS INDICATED WIDE DISAGREEMENT ON ULTIMATE LEGAL CHARACTER OF INSTRUMENT, WHETHER MANDATORY OR HORTATORY, SELF-BALANCING OR LINKED TO OTHER NTB'S IN CONTEXT OF MTN AND WITH OR WITHOUT SANCTIONS. GREEK AMBASSADOR MADE SPECIAL APPEARANCE CLEARLY INDICATING WISH THAT INSTRUMENT BE DEVELOPED IN WIDER FORUM (READ GATT). FRENCH DEL IN PARTICULAR STRESSED UNCERTAINTY OF FINAL NATURE OF PAPER EMBODYING GOVERNMENT PROCUREMENT GUIDELINES. CONSENSUS OF GROUP (INCLUDING US DEL) WAS THAT NO FURTHER PROGRESS ON THESE ISSUES LIKELY TO BE MADE AT WORKING GROUP LEVEL.

5. STREAMLINED VERSION OF TFD/TD/720 WHICH ISSUES FROM THIS MEETING, PLUS REVISED SECRETARIAT PAPER ON DEROGATIONS WILL BE PRESENTED TO TC IN FULFILLMENT OF DIRECTIVE TO TCWP TO PRODUCE DRAFT GOVERNMENT PROCUREMENT GUIDELINES. DOCUMENT TECHNICALLY IMPROVED. HOWEVER, DIFFICULT ISSUES BASIC TO ENTIRE EXERCISE-DEROGATIONS, SANCTION, THRESHOLD, NATURE OF INSTRUMENT AND EXTENT OF COVERAGE-REMAIN FOR RESOLUTION AT HIGHER LEVEL.

6. FUTURE WORK, TCWP RESISTED EFFORT TO UPDATE LIST THEIR SUBMISSIONS. SECRETARIAT WILL DISTRIBUTE FOR COMMENT REVISED MATERIAL ON PARAGRAPHS 41-45 (ENFORCEMENT AND SURVEILLANCE) OF TFD/TD/720.

7. SECRETARIAT AND SOME DELEGATIONS, IN PRIVATE CONVERSATION WITH US DEL, NOTED THAT CALL FOR SPECIAL TC MEETING ON GOVERNMENT PROCUREMENT CAME AT US INITIATIVE AND CLEARLY INDICATED THEY EXPECT US TO TAKE LEAD IN TC CONSIDERATION OF WP REPORT. DEL BELIEVES SUCCESS OF SPECIAL MEETING DEPENDENT ON EXTENSIVE AND CAREFUL US PREPARATION IN ADVANCE OF LIMITED OFFICIAL USE

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MEETING.
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